

AMENDED IN SENATE MARCH 17, 1997

**SENATE BILL**

**No. 227**

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**Introduced by Senator Solis**

January 30, 1997

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An act to add Sections 22508.5 and 70905 to the Education Code, and to add Section 20309 to the Government Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

SB 227, as amended, Solis. Community colleges: officers and employees.

Existing law permits members of the Public Employees' Retirement System and the State Teachers' Retirement System who are subsequently employed in a position requiring membership in the other system to, upon an election made within 60 days in writing, remain in their initial retirement system.

This bill would permit certain State Teachers' Retirement System and Public Employees' Retirement System members subsequently employed by community college districts in positions that would require the individual to become a member of a different retirement system, to elect within 90 days, in writing, to remain in his or her initial retirement system.

The bill would also permit the Board of Governors of the California Community Colleges and a community college district or publicly funded community college organization to enter into an agreement for the loan or assignment of an

employee to or from the chancellor's office, in accordance with specified conditions.

*This bill would also permit certain employees of state agencies that are involved with educational policy to reestablish membership in the State Teachers' Retirement System under specified circumstances.*

*Further, this bill would permit employees of the Board of Governors of the California Community Colleges who are eligible for Second Tier benefits under the Public Employees' Retirement System to elect First Tier membership under specified circumstances.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 22508.5 is added to the  
2 Education Code, to read:

3 22508.5. (a) Any person who is a member of the State  
4 Teachers' Retirement System employed by a community  
5 college district who subsequently is employed by any  
6 state agency involved with educational policy, to perform  
7 duties that require membership in a different public  
8 retirement system, shall be excluded from membership  
9 in that different system if he or she elects, in writing, and  
10 files that election in the office of the State Teachers'  
11 Retirement System within 90 days after the person's  
12 entry into the new position, to continue as a member of  
13 the State Teachers' Retirement System.

14 ~~This~~

15 (b) *Notwithstanding any other provision of law, any*  
16 *person who was a member of the State Teachers'*  
17 *Retirement System employed by a community college*  
18 *district who subsequently was employed prior to January*  
19 *1, 1998, by any state agency involved with educational*  
20 *policy, to perform duties that required membership in a*  
21 *different public retirement system, may reestablish*  
22 *membership in the State Teachers' Retirement System if*  
23 *he or she so elects, in writing, and files that election in the*  
24 *office of the board no later than March 31, 1998. After the*

1 *effective date of that election, the person shall be*  
2 *excluded from the different public retirement system.*

3 (c) *This section shall apply to changes in employment*  
4 *effected on or after January 1, 1998.*

5 SEC. 2. Section 70905 is added to the Education Code,  
6 to read:

7 70905. (a) The Board of Governors of the California  
8 Community Colleges may enter into an agreement with  
9 any district or publicly funded organization within the  
10 California Community Colleges for the loan or temporary  
11 assignment to the board of governors of a person  
12 employed by any district or publicly funded community  
13 college organization within the system. The temporary  
14 assignment or loan of that employee shall not exceed two  
15 years, except that an extension of two years shall be  
16 authorized when the board of governors finds it necessary  
17 to meet a compelling program or management need. Any  
18 temporary loan or assignment shall be made only with the  
19 consent of the employee, under the terms and conditions  
20 agreeable to the employee.

21 (b) The board of governors may enter into an  
22 agreement within any community college district for the  
23 loan or temporary assignment of an employee of the  
24 chancellor's office to any district within the system. The  
25 temporary assignment or loan of that employee shall not  
26 exceed two years, except that an extension of two years  
27 shall be authorized when the district and the board of  
28 governors find it necessary to meet a compelling program  
29 or management need of the district, or a compelling  
30 training need for the board of governors. Any temporary  
31 loan or assignment shall be made only with the consent  
32 of the employee, under the terms and conditions  
33 agreeable to the employee.

34 SEC. 3. Section 20309 is added to the Government  
35 Code, to read:

36 20309. (a) Any person who is a member of the Public  
37 Employees' Retirement System employed by the Board  
38 of Governors of the California Community Colleges who  
39 subsequently is employed by a community college district  
40 to perform duties that require membership in a different

1 public retirement system, shall be excluded from  
2 membership in the different system if he or she elects, in  
3 writing, and files that election in the office of the Public  
4 Employees' Retirement System within 90 days after the  
5 person's entry into the new position, to continue as a  
6 member of the Public Employees' Retirement System.

7 ~~This~~

8 *(b) Notwithstanding any other provision of law, any*  
9 *person who is a member of the Public Employees'*  
10 *Retirement System eligible for Second Tier benefits and*  
11 *who is employed by the Board of Governors of the*  
12 *California Community Colleges on January 1, 1998, shall*  
13 *have the right to elect First Tier benefits for all service*  
14 *after the effective date of that election, if and only if:*

15 *(1) He or she was first employed by the Board of*  
16 *Governors on or after July 1, 1991.*

17 *(2) He or she was previously a member of the Public*  
18 *Employees' Retirement System when employed by*  
19 *another public agency.*

20 *(3) He or she files the required election, in writing, in*  
21 *the office of the board no later than March 31, 1998.*

22 *(c) This section shall apply to changes in employment*  
23 *effected on or after January 1, 1998.*